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November 27, 2012

***By Fax and ECF Filing***

The Honorable Cynthia M. Rufe  
United States District Court  
Eastern District of Pennsylvania  
James A. Byrne U.S. Courthouse  
601 Market Street, Suite 12614  
Philadelphia, Pennsylvania 19106-1797

Re: *Humana Medical Plan, Inc. v. GlaxoSmithKline, et al.*  
Civil Action No. 10-6733 (E.D. Pa. 2010)

Dear Judge Rufe:

We represent Humana Medical Plan, Inc. and Humana Insurance Company ("Humana"). We respectfully ask Your Honor to decide, or schedule for a hearing, Humana's November 16, 2012 Emergency Motion For Relief From Pretrial Order No. 176 (Doc. No. 25).

Pretrial Order 176 (MDL Doc. No. 2855), entered Tuesday, November 13, 2012, adopted the Special Master's November 9, 2012 Nineteenth Report and Recommendation ("R&R") (MDL Doc. No. 3843) encouraging Medicare Advantage Organizations ("MAOs") to release their Medicare Secondary Payer ("MSP") claims for a fraction of their statutory value. The R&R and Pretrial Order 176 take sides on an ultimate material issue pending in this class action lawsuit.

FED R. CIV. P. 53(f)(1) requires a court to afford the parties an opportunity to be heard before "acting on a master's order, report or recommendations," and FED. CIV. P. 53(f)(2) gives a party 21 days to object. Humana, which is prosecuting MSP claims on behalf of itself and a putative class of MAOs, believes the Court was unaware that Humana objected to the Special Master's R&R (the R&R did not disclose Humana's objection) when it adopted its recommendation before Humana could be heard.

Immediate disposition of this motion is necessary to assure that publication of the order endorsing the objected-to settlement terms to absent class members does not occur without prior due process.

We respectfully request that this matter be given the Court's immediate attention.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard W. Cohen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Richard W. Cohen

cc: All Counsel of Record  
Bruce P. Merenstein, Esq.